

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Advanced Methods to Target and Eliminate)	CG Docket No. 17-59
Unlawful Robocalls)	
)	
Call Authentication Trust Anchor)	WC Docket No. 17-97

COMMENTS OF COMPETITIVE CARRIERS ASSOCIATION

Competitive Carriers Association (“CCA”)¹ submits these comments in response to the Federal Communications Commission’s (“FCC’s” or “Commission’s”) *Third Further Notice of Proposed Rulemaking* (“FNPRM”)² seeking comment on the potential implementation of the SHAKEN/STIR Caller ID Authentication framework, among other proposals. CCA and its members are highly motivated to stop robocalls and work cooperatively with the FCC to identify solutions that will ultimately provide a better overall experience for consumers.

The Commission’s aggressive multi-pronged strategy to address the robocall issue is laudable – not only through this proceeding but also by launching advocacy and educational sessions, and working with state policymakers to combat malicious caller ID spoofing.³ CCA

¹ CCA is the leading association for competitive wireless providers and stakeholders across the United States. CCA’s membership includes nearly 100 competitive wireless providers ranging from small, rural carriers serving fewer than 5,000 subscribers to regional and national providers serving millions of customers. CCA also represents associate members consisting of small businesses, vendors, and suppliers that serve carriers of all sizes.

² *In the Matter of Advanced Methods to Target and Eliminate Unlawful Robocalls; Call Authentication Trust Anchor*, CG Docket No. 17-59, WC Docket No. 17-97, Declaratory Ruling and Third Further Notice of Proposed Rulemaking, FCC 19-51 (rel. June 7, 2019) (“*Ruling*” or “FNPRM”).

³ See, e.g., Press Release, *FCC Chairman Proposes Banning Malicious Caller ID Spoofing of Text Messages & Foreign Robocalls* (July 8, 2019); *Chairman Pai Convenes SHAKEN/STIR Robocall Summit*, Public Notice, DA 19-413 (May 13, 2019).

and its members continue to explore ways to effectively combat robocalls, and appreciate the clarifications contained in the *Ruling* and the proposals offered in the *FNPRM*. Robocalls are a significant consumer issue, and all carriers are highly motivated to adopt solutions that meet the needs of their customers. To further the objectives of this proceeding, CCA recommends the following:

First, the Commission should clarify the scope of “unwanted” calls that may be blocked by voice service providers, which will better ensure that providers are able to develop effective programs to address this issue. Predictive algorithms will work best when applied to a clearly-defined set of criteria, and the risk of over- or under-inclusiveness may be exacerbated when applied to an inherently subjective standard of what is “unwanted.” To further encourage the adoption of effective call-blocking solutions, the FCC should establish clear safe harbors to protect providers against inadvertently blocking a wanted call or otherwise permitting an unwanted call despite the implementation of a call-blocking program.

Second, when considering other potential solutions for robocalls, CCA urges the Commission to be mindful that the requisite technologies are still developing. While the SHAKEN/STIR approach is currently at the forefront of these proposals for major voice service providers, CCA encourages the Commission to also consider all possible tools and to refrain from mandating any one solution at this time. The Commission also should be mindful that many carriers, particularly in rural America, continue to operate TDM networks or receive significant amounts of traffic via TDM tandems for which implementation of STIR/SHAKEN presents unique challenges. The Commission therefore should allow innovation and development to guide policy decisions on this issue.

I. THE COMMISSION SHOULD PROVIDE ADDITIONAL CLARITY SURROUNDING THE SCOPE OF “UNWANTED” CALLS

The *Ruling* clarifies that voice service providers may offer default call-blocking programs for unwanted calls, as long as consumers are provided an opt-out process for any such program.⁴ The FCC correctly recognizes that rigid blocking rules “could impede the ability of voice service providers to develop dynamic blocking schemes that evolve with calling patterns,”⁵ and carriers need additional certainty regarding the meaning of “unwanted” calls to avoid unintended consequences that could impede, rather than promote, the deployment of these programs.

While the Commission does provide a number of examples of “call-blocking programs that may be effective and would be based on reasonable analytics designed to identify unwanted calls,”⁶ it also leaves open a number of questions surrounding implementation, as well as potential liability to carriers. For instance, varying definitions of “unwanted” calls may affect consumers’ experiences and expectations, and may lead to complaints about “unwanted” calls being blocked in some circumstances but not others. In addition, varying definitions of “unwanted” calls may lead to widely varying examples of providers inadvertently blocking “wanted” calls, or allowing “unwanted” calls to proceed, as seen through the eyes of the consumer. The potential associated consequences would benefit from additional clarity surrounding the meaning or scope of “unwanted” calls.

Moreover, providers that are engaging in good faith efforts to implement these mechanisms should be protected against potential liability from such efforts. CCA agrees with the Commission’s comment in the *FNPRM* that “adopting a safe harbor would greatly facilitate

⁴ *Ruling* at ¶ 31.

⁵ *Id.* at ¶ 34.

⁶ *Id.* at ¶ 35.

[the Commission’s efforts] by providing carriers with more certainty” and thus, further encourage carriers to implement these programs.⁷ CCA therefore suggests that the FCC adopt a specific safe harbor for providers implementing an unwanted call-blocking program, similar to that proposed for the SHAKEN/STIR solution.⁸

II. THE COMMISSION SHOULD ALLOW ADDITIONAL INNOVATIVE SOLUTIONS TO DEVELOP FURTHER BEFORE ADOPTING MANDATES

The *FNPRM* proposes to require voice service providers to further block calls based on Caller ID authentication, and to potentially mandate the implementation of the SHAKEN/STIR Caller ID authentication framework.⁹ The *FNPRM* recognizes that some major voice service providers have already begun to develop and test the SHAKEN/STIR framework and anticipate implementation by the end of this year.¹⁰ However, as the *FNPRM* indicates, there are still significant unanswered questions concerning the development of SHAKEN/STIR as the technology is still in its infancy. While CCA appreciates the Commission’s focus on this solution, the continued development of predictive call blocking technologies underscores that SHAKEN/STIR is but one approach in a toolbox full of potential solutions.

The FCC should allow this innovation to continue, in an effort to develop the most effective solution, rather than stifling such innovation by directing all resources toward meeting the regulatory mandate. Carriers have significant market incentives to adopt the best solution available to block robocalls. Accordingly, the FCC should refrain from adopting a specific

⁷ *Id.* at ¶ 59.

⁸ *See, e.g., id.* at Section A.

⁹ *Id.* at ¶ 71.

¹⁰ *Id.*

mandate for one technology that would risk impeding development of other potential new strategies to block robocalls. Rather, the FCC should allow the technology to lead the policy.

For example, it may be more efficient for some providers to explore the use of a variety of tools that could be more appropriately tailored for legacy networks or older handsets, and cost-effective for resource-strapped providers. If the FCC requires industry stakeholders to focus their development and resources on one single approach at this time, it is highly likely that other potential approaches will be entirely abandoned.

The Commission also should recognize that SHAKEN/STIR may not be a one-size-fits-all solution, and various approaches may need to be utilized due to current network technology. For example, as the Commission explains, SHAKEN/STIR cannot be implemented for non-IP networks, such as those utilizing TDM technology.¹¹ Specifically, SHAKEN/STIR is “less effective for calls that originate, terminate, or transit across TDM networks and does not work at all for calls that exclusively traverse TDM networks.”¹² A number of CCA’s members utilize TDM technology – and in many cases, rural, elderly, and low-income consumers rely on such technology for their communications needs. While carriers are engaged in upgrades to IP-technology, there often are significant “challenges for smaller and rural carriers” that prevent or otherwise hinder such a transition.¹³ Additionally, the Commission should be aware that even carriers that do have the ability to verify calls through an IP-based network must overcome the issue that incoming calls routed through legacy TDM tandems may be incapable of attestation using SHAKEN/STIR. In other words, despite the status of a receiving provider’s network

¹¹ *FNPRM* at ¶ 80.

¹² *Id.*

¹³ *Id.*

architecture, remaining legacy gateways and tandem switches through which a call is delivered must likewise be SIP-compatible for SHAKEN/STIR to adequately verify the call. Thus, if the FCC mandates SHAKEN/STIR, it runs a risk of treating certain traffic as second-class, and ultimately handicapping the various providers that deploy these communications to rural and remote populations.¹⁴

Accordingly, the FCC and industry should continue to explore all potential approaches to curb robocalls; at this early stage of investigation and development, it would be counterintuitive to dismiss potential solutions that may be more appropriate for certain networks. *All* voice providers have a common incentive to promptly develop and deploy a successful tool to combat and eliminate illegal robocalls. As it has in other contexts, the FCC should allow technology to take the lead.¹⁵

In the event that the Commission issues a regulatory mandate, providers – particularly competitive carriers – will spend significant resources in developing, testing and deploying these solutions, and, as demonstrated in other contexts, may require additional time to implement any mandated a solution. The Commission itself notes that “small voice service providers lack the financial ability and in-house professional expertise necessary to quickly implement the SHAKEN/STIR framework.”¹⁶ And the *FNPRM* recognizes that rural providers “may need more time than their larger peers to transition their networks to Internet Protocol (IP)” which

¹⁴ Moreover, mandating any type of new technology for networks that will eventually be phased out could limit the amount of resources available for the implementation of newer, IP-based networks, particularly in the rural areas where it is needed most.

¹⁵ See, e.g., *Wireless E911 Location Accuracy Requirements*, Fourth Report and Order, 30 FCC Red 1259, 1260 at ¶ 4 (2015) (adopting technically feasible and technologically neutral requirements “so that [CMRS] providers can choose the most effective solutions from a range of options.”).

¹⁶ *Id.* at ¶ 78.

would be a necessary next step to implementing a program such as SHAKEN/STIR.”¹⁷ CCA’s members focus their finite resources on actively updating their network capabilities, and are particularly focused on additional broadband deployment to rural and remote areas. Despite these efforts, they often lag behind the major providers in accessing the latest equipment and technology. If necessary, providing an extended compliance process for non-nationwide providers appropriately recognizes the inherent barriers to the deployment of new and advanced technologies while enabling such providers to deploy these new technologies along reasonable timelines for the benefit of all consumers.¹⁸

III. CONCLUSION

CCA and its members look forward to continued collaboration with stakeholders and the FCC to further explore solutions to combat illegal and unwanted robocalls. For the reasons discussed herein, CCA respectfully encourages the Commission to further clarify or define the scope of “unwanted” calls, and be mindful of technological innovation and the unique needs of competitive providers when developing a framework to combat illegal and unwanted robocalls.

Respectfully submitted,

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¹⁷ *Id.* at ¶ 56.

¹⁸ *See FNPRM* at ¶ 78.